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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,371	07/24/2003	Daniel B. Sachuk	249212022700	2455
25226	7590	10/17/2006		
MORRISON & FOERSTER LLP 755 PAGE MILL RD PALO ALTO, CA 94304-1018				
			EXAMINER MILLER, BRIAN E	
			ART UNIT 2627	PAPER NUMBER

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/627,371

Applicant(s)

SACHUK, DANIEL B.

Examiner

Brian E. Miller

Art Unit

2627

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-19 and 29-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-19, 29-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2627

Claims 12-19, 29-37 are pending.

Drawings

1. The replacement drawing sheet was received on 7/27/06. These drawings are acceptable.

Claim Objections

2. Claim 12 objected to because of the following informalities: (a) second to last line "the first guiding element" should be changed to "at least the first guiding element", to remain consistent, although only one guiding element has been particularly recited. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 12-19, 29-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mewes et al (US 6,15,982) in view of Hentrich (US 6,095,445). (As per claim 12) Mewes et al discloses, with respect to FIGs. 1-2 mainly, a storage cartridge 20, including: a storage cartridge housing 34, 36 having: a tape access window 40, a single supply reel 26 rotatably disposed

Art Unit: 2627

within the storage cartridge housing and having storage tape 28 wound on the supply reel 26, and a guide surface, 32, disposed within the storage cartridge housing.

Mewes et al is silent as to the details of a tape drive, however, Hentrich discloses a conventional drive known in the art to be utilized with single reel tape cartridges, as shown mainly in FIG. 1, including: at least a first guiding element 36, a data transducer 14, and a take-up reel 16, wherein the storage tape 28 would extend from the supply reel 26 to the guide surface 32 before extending through the access window 40 to the first guiding element, and the storage tape 28 is guided within the tape drive 10 along a tape passing adjacent a data transducer 14, and wound on the take-up reel 16, wherein the storage tape passes adjacent the data transducer 14 along the tape path between the first guiding element 36 and the take up reel 16, as known in the art and shown by Hentrich. From this teaching, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized the cartridge of Mewes et al in a tape drive as disclosed by Hentrich. The motivation would have been: utilizing the tape cartridge of Mewes in the conventional tape drive of Hentrich, would have been readily provided, as the buckler provided in the tape drive reduces the force necessary to insert the cartridge into the receiver, and allows for better control over the eject speed and the eject distance of the cartridge (see Abstract)

Further, Mewes et al is considered to further show (as per claim 14) wherein the guide surface 32, includes a stationary surface; (as per claim 15) wherein the guide surface includes a contoured surface, i.e., arcuate; (as per claim 16) wherein the storage cartridge housing includes "only a single opening" wherein the storage tape is accessible, 40; Hentrich is further considered to show (as per claim 17) wherein the data transducer 14 includes at least one of a read head and

Art Unit: 2627

a write head; Mewes further shows (as per claim 18) wherein the guide surface 32 is positioned within the storage cartridge housing to guide the storage tape away from the supply reel and then back to reengage the supply reel (see col. 4, lines 44-50) before extending to the access window, as clearly shown in FIG. 2; (as per claim 19) wherein the storage tape includes a leader block 30 adapted to be releasably attached to the take-up reel.

As the method claims, i.e., 29, 31-33, 35, define similar but broader limitations to the apparatus claims defined above, the method claims, in so far as they define clear method steps, they are rejected under the same grounds. With respect to claim 34, Mewes et al is further considered to show that when streaming the storage tape, the storage tape becomes separated from the reel by a thin layer of air, as shown in the figures.

With respect to claims 13 & 30, while the above description was mainly directed to FIGs. 1 & 2, FIG. 6 of Mewes et al discloses additional guide surfaces including 100 & 116. Because surface 116 is cylindrical, it would have been easily contemplated by a skilled artisan to have been either stationary or rotatable, therefore, it would have been obvious, wherein the advantages of both would have been equally considered and either could have been utilized, e.g., a fixed surface would have been less expensive to manufacture, while a rotatable type would have reduced friction between the moving tape and the surface, as would have been readily apparent to a skilled artisan.

Response to Amendment/Arguments

5. Applicant's arguments with respect to claims 12-19, 29-37 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian E. Miller whose telephone number is (571) 272-7578. The examiner can normally be reached on M-TH 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

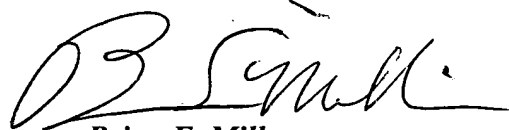
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Art Unit: 2627

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "B. E. Miller", with a stylized flourish at the end.

Brian E. Miller
Primary Examiner
Art Unit 2627

BEM
October 16, 2006